

## **REMARKS**

This Amendment is in response to the Office Action mailed December 10, 2004. By way of this Amendment, claims 1, 5-13 and 16 have been amended, new claims 17-31 have been added, and claims 14 and 15 have been cancelled without prejudice. Claims 1-13 and 16-31 are currently pending. Reconsideration and reexamination of the application, as amended, are respectfully requested.

### **I. Claim 12 is Presumed to Relate to Allowable Subject Matter**

In the Office Action of December 10, 2004, no rejections were raised with respect to claim 12 of the application. Therefore, this claimed is presumed to relate to allowable subject matter and has been rewritten in independent form.

### **II. Claim Rejections Under 35 U.S.C. §112**

Claim 16 was rejected under 35 U.S.C. §112 as being indefinite for failing to provide sufficient antecedent basis for the limitation "the coupler." In response, the "coupler" limitation has been replaced with "clamp." The antecedent basis for the limitation "clamp" is provided in the first clause of claim 16.

### **III. Claims Rejections Under 35 U.S.C. §102**

#### **A. Claims 10, 11, 13, 14 and 15**

Claims 10, 11, 13, 14 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,212,900 to Perry. This rejection is respectfully traversed. However, in the interest of expediting prosecution, claim 10 has been amended to more clearly define certain aspects of the invention.

Claim 10 relates to an arm support device including a coupler, and an elongated forearm receiving member positioned above the coupler. A pivot member connects the forearm receiving member to the coupler. The pivot member finds a pivot axis that extends generally in an upward/downward direction and is located adjacent the front end of the forearm receiving member.

Perry clearly does not include a pivot member having a pivot axis that extends generally in an upward/downward direction. Instead, pivot pin 96, 112 extends in a horizontal direction and part 110 does not appear to define a pivot axis at all. For at least the above-identified reasons, it is submitted that claim 10 as well as dependent claims 11 and 13 are not anticipated by Perry, and withdrawal of the rejection is requested. Claims 14 and 15 have been cancelled without prejudice, and therefore need not be further addressed.

B. Claim 16

Claim 16 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,146,350 to Roberts. This rejection is respectfully traversed. However, in the interest of expediting prosecution, claim 16 has been amended to more clearly define certain aspects of the invention.

Claim 16 now recites that the arm cradle includes "a base portion and opposing left and right side walls that define an upwardly facing channel having an open top side, an open front end and an open back end, the channel having a width and a length, the width of the channel being defined as a maximum distance measured between the side walls and the length of the channel extending between the open front end and the open rear end of the channel, the width of the channel being shorter than the length of the channel." No such structure is disclosed in Roberts. Instead, the cradle 3 of Roberts does not have a channel having a width shorter than a length as claimed (see Fig. 6 of Roberts). Moreover, Roberts also does not include a pivot axis positioned at a location adjacent to an open front end of an arm cradle channel, as claimed. For at least the above-identified reasons, withdrawal of the rejection of claim 16 is respectfully requested.

IV. Claim Rejections Under 35 U.S.C. §103

Claims 1-8

A. Claims 1-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,212,900 to Perry in view of U.S. Patent No. 6,065,240 to Paddock. This rejection is respectfully traversed. However, in the interest of expediting prosecution, claim 1 has been amended to more clearly define certain aspects of the invention.

Claim 1 has now been amended to recite that the arm cradle can pivot left and right relative to the fishing rod. It is submitted that neither Perry nor Paddock teaches or suggests this feature. Instead, both Perry and Paddock disclose arm support devices that allow for upward and downward pivoting of the support devices. Therefore, it is submitted that neither Perry nor Paddock, either alone or in reasonable combination, teaches or suggests the novel and nonobvious combination of elements recited by claim 1. For at least the same reasons, it is submitted that neither Perry nor Paddock renders obvious claims 2-8 that depend from claim 1. In view of the above, the Examiner is requested to withdraw his rejection of claims 1-8 based on the Perry and Paddock references.

B. Claims 1, 2, 4, 7, 8 and 9

Claims 1, 2, 4, 7, 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,146,350 to Roberts in view of U.S. Patent No. 6,065,240 to Paddock. This rejection is respectfully traversed. However, in the interest of expediting prosecution, claim 1 has been amended to more clearly define certain aspects of the invention.

Claim 1 has now been amended to specify that the arm cradle has a forearm receiving portion located rearward of the reel mount, that the forearm receiving portion is elongated along a length that extends between front and rear ends of the forearm receiving portion, that the pivot axis is positioned adjacent the front end of the forearm receiving portion of the arm cradle, and that the arm cradle can pivot left and right relative to the fishing rod. It is submitted that this combination of elements is not disclosed or suggested by Roberts or Paddock, either alone or in reasonable combination. The cradle 3 of Roberts is not elongated as recited by claim 1. Furthermore, as shown in Figure 1 of Roberts, the forearm receiving portion of Roberts is shown positioned forward of the reel mount. Moreover, nothing in either Roberts or Paddock provides any motivation for elongating the arm cradle of Roberts or moving the arm supporting portion of Roberts to a position rearward of the reel mount. The arm support of Paddock clearly is not capable of pivoting left and right relative to the fishing rod and nothing in either Roberts or Paddock provides any motivation for modifying the arm cradle to do so. In view of the above, it is submitted that claim 1 is patentable over the cited references, and withdrawal of the rejections

based on such references is respectfully requested. The same is requested for claims 2, 4, 7, 8 and 9 which depend from claim 1.

V. New Claims 17-31

New claims 17-22 depend upon and further limit claim 16. Therefore, claims 17-22 distinguish the prior art for at least the same reasons specified with respect to claim 16.

New claim 23 relates to an arm support device having a handle coupler defining a pivot pin opening, an elongated arm cradle having an upwardly facing channel, and a pivot pin having an upper end portion connected to the arm cradle adjacent to a front end of a base portion of the cradle and a lower end pivotally received within the pivot pin opening of the handle coupler. The pivot pin pivots within the pivot pin opening of the handle coupler to allow the arm cradle to be pivoted relative to the handle coupler. It is submitted that none of the prior art of record in the present application teaches or suggests this novel and nonobvious combination of elements. Therefore, it is submitted that claim 23, as well as claims 24-26 that depend from claim 23, are in immediate condition for allowance.

New claim 27 relates to a fishing system including a fishing rod and a forearm support connected to the fishing rod. The forearm support is located rearward of the reel mount of the fishing rod and is pivotally movable relative to the fishing rod about a pivot axis that is oriented to allow the forearm support to pivot left and right relative to the fishing rod. It is submitted that none of the prior art references of record in the present application, either alone or in reasonable combination, teaches or suggests this novel and nonobvious combination of elements. Therefore, it is submitted that claim 27, as well as claims 28-31 that depend from claim 27, are in immediate condition for allowance.

VI. Support for Claim Amendments

Support for the amendments to claim 1 can be found at Figure 1 of the application as filed (which shows the cradle mounted rearward of the reel mount and also shows an elongated cradle with a forearm supported therein), Figure 2 of the application as filed (which shows left and right pivoting of the arm cradle relative to the fishing rod), and the description in the specification relating to these Figures.

Support for the amendment to claim 5 can be found at Figures 1 and 3 of the application as filed.

Support for the amendment to claim 6 can be found at page 3, lines 18-29 of the specification as originally filed.

Support for the amendment to claim 7 can be found at page 3, line 29 of the specification as originally filed.

Support for the amendment to claim 8 can be found at page 4, lines 9-11 of the application as originally filed.

Support for the elongated configuration of the forearm receiving member can be found at Figures 1 and 2 of the application as originally filed as well as the corresponding specification text.

Support for the pivot axis extending generally in an upward/downward direction and being located adjacent the front end of the forearm receiving member can be found at Figures 2-4 of the application and the related text in the specification.

Support for the amendment to claim 16 can be found at Figure 2 of the application as originally filed (which shows the elongated nature of the cradle and the left and right pivoting action of the cradle relative to the clamp) and the corresponding description in the specification.

Support for new claim 17 can be found at Figure 3 of the application as originally filed.

Support for new claims 18-20 can be found at page 3, lines 26-29 of the specification as originally filed.

Support for new claims 21-22 can be found at Figures 4 and 6 of the application as originally filed.

Support for new claim 23 can be found at Figures 2 and 3 of the application as originally filed as well as the corresponding description in the specification.

Support for new claim 24 can be found at Figure 3 of the application as originally filed.

Support for new claims 25 and 26 can be found at page 3, lines 26-29 of the application as originally filed.

Support for new claim 27 can be found at Figures 1 and 2 of the application as originally filed as well as the corresponding description in the specification.

Support for new claim 28 can be found at Figure 3 of the application as originally filed.

Support for new claim 29 can be found at Figure 2 of the application as originally filed.

Support for new claim 30 can be found at Figure 3 of the application as originally filed.

Support for new claim 31 can be found at Figure 1 of the application as originally filed.

VII. Formal Drawings Included

Formalized drawings have been submitted with this response.

VIII. Conclusion

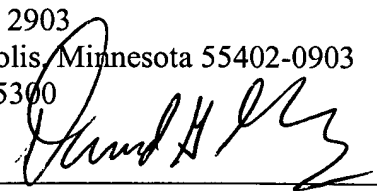
In view of the above amendments and remarks, Applicant submits that the present application is in immediate condition for allowance, and respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned attorney at 612.336.4617.



Dated: April 11, 2005

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

Signed:   
Name: David G. Schmaltz  
Reg. No.: 39,828  
DSchmaltz/aml